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SUBJECT: DRAFT LAW ON RELIGION MAY SEVERELY CURTAIL CHRISTIAN,
ISLAMIC AND OTHER RELIGIOUS ACTIVITY IN TAJIKISTAN

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¶1. Draft legislation from the State Committee for Religious Affairs (SCRA) proposes new restrictions and regulations on religious activity which have raised serious concerns for all religions practiced in Tajikistan. The SCRA recently circulated the draft "Law on the Freedom of Faith and the Religious Associations" (draft) among religious leaders before submitting it to Parliament for debate in early April.

¶2. The following points represent the most contested issues or significant changes from the existing law on Religion and Religious Organizations. Reaction to the proposed changes and analysis will come septel.

¶3. The draft introduction declares the Republic of Tajikistan to be a secular society, but acknowledges the significant role of Islam in the social and spiritual life of the population. (NOTE: The existing law makes no mention of Tajikistan as a secular state. END NOTE.) Article 7 makes illegal any actions or activities intended to proselytize or convert believers of one confession to another. The current law makes no such prohibition.

¶4. Political Participation:

Article 8 separates religious associations from the state authority, prohibiting ministers of religious associations from being elected to state agencies or institutions. It also prohibits a religious association from taking part in the activity of political parties or movements, financially or otherwise. "Political parties cannot base their activity on religious ideologies and cannot be involved in religious education." (NOTE: This challenges the existence, membership and activities of the Islamic Renaissance Party of Tajikistan (IRPT), Central Asia's only legal Islamic political party. Article 5 of the existing law states members of religious associations have the right to participate in political life. END NOTE.)

¶5. Religious Education:

Article 10 limits religious education to children age seven and

older, only with written permission from their parents and only after state school hours. Domestic religious education is expressly forbidden. The article also requires that individuals teaching religious beliefs have specialized spiritual education and coordinate their activity with the state agency for religious affairs.

¶6. Religious Association:

Article 11 introduces several new provisions.

--Founders of a religious association can only be citizens of Tajikistan above age 18.

--Foreign citizens can only be members or participants-not founders or leaders-of a religious body.

--The name of a religious association must contain information indicating its faith or confession. The organization must indicate fully its name in any activity.

--A religious association can only be organized after informing the local government.

¶7. Mosques:

Article 14 imposes restrictions on the establishment of mosques based on the population of a community. To establish a mosque, a village must have 200-2,000 people. Additional mosques can be established for every additional 2,000 people. A Friday mosque requires 20,000 people in rural areas, and 30,000 in cities.

(NOTE: Most rural areas do not have 20,000 residents in a concentrated area. END NOTE.) In Dushanbe, there will a Friday mosque for every 50,000 people. The existing law states that 15,000 people suffice for a Friday mosque. According to the draft, a Friday mosque can be founded regardless of a community's population, if there are already three smaller mosques.

¶8. Registration of all religious groups and activities:

Article 16 states illegal (non-registered) religious activity in the Republic of Tajikistan is prohibited. Article 18 establishes new provisions for registering a religious

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association, requiring the following documents:

- Application signed by 20 Tajik citizens over age 18 with addresses; (NOTE: Current law requires only 10 founders. END NOTE.)
- Protocol about the formation of the association and the staff;
- Regulations (charter) of the association;
- Certification about the location;
- Certification of the local authorities on the population in the area;
- Receipt on payment of the state fee.

Also required is a list with signatures, dates and addresses of 200-1,000 citizens who support the creation of the religious association (the number of required signatures will depend of the population of the community); for non-Islamic associations, 200-600 supporters are required. Under Article 16, the state may not require any additional documents for registration.

¶9. Commitments:

Article 21 states that a religious association is obligated to:

--submit information on adopted decisions to the state agency that registered the association;

--allow the representatives of the registering agency, as well as other "monitoring and controlling agencies" to attend meetings and events;

--submit an annual report. If no report is submitted for three years, the registering agency may consider the association to have ceased its activities. (NOTE: These requirements are not in the existing law. END NOTE.)

¶10. The Hajj:

Draft Article 26 imposes state control of the Hajj and Umra, pilgrimages to Islamic holy sites. The article states "citizens of the Republic of Tajikistan have the right to pilgrimage organized by the Committee on Religious Affairs." Article 24 of the existing law states "Citizens and religious associations

have the right to travel alone or in a group to foreign countries including to Hajj." (NOTE: The new article seeks to codify a practice already in place, state control of the Hajj trips. The SCRA has administered the Hajj for several years, to the dismay of many devout Tajik Muslims. END NOTE.)

11. COMMENT: If passed as proposed, the law would curtail religious activity of Muslims, Christians and other faiths. The signature requirements to register an organization could prove especially onerous in sparsely populated rural areas. The citizenship requirements would effectively prevent missionaries from establishing any sort of activity without significant local support, and could prevent foreigners from leading worship. The draft also allows an increased amount of access and scrutiny for state officials. Post will work with religious leaders, and the NGO and diplomatic community to look for ways to suggest to the Tajik government that the law on "freedom of faith" needs to emphasize a little more freedom. END COMMENT.
HOAGLAND